

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, FEBRUARY 2, 2009 @ 6 P.M.**

The Regular Monthly Meeting of the Mayor and Council was held on Monday, February 2, 2009 at 6 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Fluharty, Willis, Gasser and Gutkin. Also in attendance were guests, local media, and staff.

The meeting was called to order by Mayor Ballas who then led the group in reciting the Pledge of Allegiance.

GUESTS

Dale Grimes – Request for out of town water connection

Mr. Dale Grimes, 152 Little Eagle Road, Centreville, MD, owns property located at 509 Liberty Road, which is outside the municipal limits. This area is currently served by municipal water and the existing dwelling on this property is currently connected to the municipal water system. Mr. Grimes is requesting three additional water allocations for a three lot minor subdivision, which is in the final stages. The subdivision has been through TAC review and is ready to be re-submitted to the county for final approval. It is his understanding that the county will require the allocations and/or possibly a letter from MDE stating that water is available prior to granting final approval and recordation of the subdivision.

He brought copies of the plats for review by the Mayor and Council. The County has given their approval and they are just waiting for the town's approval.

Steve Dyott said that he has reviewed the plans and he has talked to Mr. Grimes about the project and has no problems. Mr. Dyott said the town has the capacity to supply water to this project. Mr. Dyott advised Mr. Grimes that anything from the road would be maintained by the property owner and he would have to pay the connection fees and meter costs for each allocation. Mr. Grimes said he has talked to Don Wilson, Caroline County Health Department, about installation of wells and was advised that the project is in the comprehensive district and he would allow him to install private wells; however, his first choice would be to have municipal water installed.

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by a vote of five to zero to permit three additional water allocations for Parcel 238.

Charles L. Covell – Riverwalk Terrace Project

Mr. Charles Covell, President of Covell Industries, presented a short powerpoint presentation outlining his plans for the Riverwalk Terrace development, located off of Reliance Avenue. He would like to see the property developed for working professional families in the Federalsburg area. This project will assist families with a deferred payment arrangement so they may occupy the property, pay rent, save money for a down payment; and in a short period of time be able to purchase the home. This will be a high quality project that will bring young professional families to the downtown center of Federalsburg.

The project is a joint venture with the landowner, the developer, Chesapeake Housing Partners, the State and the Town of Federalsburg.

Mr. Covell requested the town to partnership with them in the form of a tax exemption. The taxes would resume once the properties are actually purchased by the homeowners.

Davis, Bowen, & Friedel – Maple Avenue and South Main Street I/I Project.

Josusha Gliptis, Assistant Project Manager and Bill Remington, P.E. Senior Engineer/Project Manager from Davis, Bowen and Friedel gave a brief presentation explaining the Maple Avenue and South Main Street I/I Stormwater Management and Water Improvement Project that they have been working on with the Town for the past three years. The town currently has grant money available from MDE in the amount of \$600,000 toward the total project cost of \$1.2 million. There are additional funds being allocated from MDE this year (2009), which means Phases I & II of this project could begin as early as this coming year. If the federal stimulus package is approved for infrastructure improvements, which the Town has already requested through MDE; the town may obtain 100% funding for the project in the next year. This project is shovel ready, and the initial engineering is complete, with final engineering to be completed within 60 to 90 days. The bid request will be available within 180 days. The initial engineering can be drawn down from the \$600,000 to pay for the engineering process. The written request has already been submitted. The need for this project come not only from the problems in the immediate area, but the State of Maryland through the MDE Licensing Permit to operate the WasteWater Treatment

Plant, requires that the town solve this problem before the next permitting cycle of 2018.

Josusha Gliptis said they are at the point where they want to make sure the Mayor and Council are comfortable with the project and fully understand it; and Davis, Bowen & Friedel can proceed with the design portion of this project. The first phase of the project will incorporate stormwater. The whole project will include removal of the stormwater from the sewer. A motion to accept proposal with signature to follow in the amount of \$52,500, with the contingency that the funds follows

A motion by Councilmember Fluharty seconded by Councilmember Willis and unanimously approved to proceed with the approval letter from MDE that the engineering fee should come from the grant money.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of five to zero approving the minutes of January 5, 2009 Regular Monthly Meeting as corrected.

CHARTER AMENDMENTS

Resolution No. 2009-02 – Change of Date for Elections

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of five to zero amending section C2-1 of the Federalsburg Town Charter to change the date for elections of the Mayor and Council from the fourth Monday in April to the Fourth Tuesday in September commencing with the elections to occur in 2011.

Resolution No. 2009-03 – Establish Recall Process for Elected Officials

Resolution No. 2009-03 was presented which would amend the Federalsburg Town Charter by adding Section C3-9 to establish a recall process for elected officials.

After much discussion the resolution was tabled until such time that the wording Under C3-9B 4 & 5 could be reviewed by the town attorney and obtain examples as to how an elected official can be recalled. The Mayor and Council tabled this discussion until better terminology can be obtained from the town attorney.

Councilmember Gutkin questioned the meaning of the words "misfeasance" and "malfeasance" in office. He requested additional examples of how an elected official could be recalled.

Resolution No. 2009-04 – Establish Referendum Process

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of five to zero amending the Federalsburg Town Charter by adding Section C3-10 to establish a referendum process.

COMMITTEE REPORTS

Federalsburg Historical Society

Joe Glime reported that the Federalsburg Historical Society hosted a historical heritage study for the community. They had 36 in attendance at the meeting which was held at the Federalsburg Senior Center. The study showed the community is very significant in the Heritage Community. Mr. Glime introduced Mr. Bart Johnson as the new president of the Federalsburg Historical Society.

Federalsburg Volunteer Fire Department

Councilmember Fluharty reported the following activities for the Federalsburg Volunteer Fire Department:

1. There will be a 16 oz. ribeye steak dinner on Saturday, February 7, 2009 beginning at 4 p.m. The cost is \$17.00 per person.
2. There will be a Youth Dance on Friday, February 13, 2009.
3. There will be a Soup Sale on Friday, February 20, 2009.
4. There will be a Breakfast on Sunday, February 22, 2009.

PUBLIC CONCERNS

Bart Johnson

Mr. Bart Johnson said that earlier in the month he submitted a packet for review by the Mayor and Council in regard to the Eastern Shore Heritage and Stories of the Chesapeake. The point he was making was that the Eastern Shore Stories of Chesapeake has contributed monies to various municipalities and Mr. Johnson was requesting the Mayor and Council proceed with putting

the plan into the Comprehensive Plan. This may be financially beneficial to the town in receiving funding toward the museum.

Mayor Ballas said that they have met with Elizabeth Watson of the Stories of the Chesapeake and the town is waiting for the agreement from the town attorney for presentation. The town's plan would be adopted from the Town of Denton's Plan.

DEPARTMENTAL REPORTS

Police Department

Chief Nagel presented his monthly police report, which included statistical information.

Councilmember Gasser reminded Chief Nagel to break out the juvenile crime statistics in his monthly report, if possible.

Public Works Department

Steve Dyott, Public Works Director reported the following:

1. Greensboro Environmental has begun installation of the isolation valve at the new tower and the work should be completed by the end of the week.
2. There was a sewer spill on Old Denton Road due to a main line break. MDE has been made aware of the spill and a letter has been filed.
3. The Maintenance Department has been trimming trees around the light poles in the Federalsburg Industrial Park.
4. Public Works spent five hours putting out sand and salt and they are ready for the incoming storm.
5. Steve Dyott has received a RSMS Program, which tracks roadway surfaces. He obtained a copy of the windows program from the Town of Denton, and he is currently entering information on the town's streets.
6. The Maintenance Department placed a new street sign at South Park Lane.

7. Steve Dyott is still working on a cost for GIS study, which he anticipates will be approximately \$1,500. The GIS Study would map out all the water valves and manholes. DBF can overlay what the town has on google. Steve is still compiling costs for the FY2010 Budget.

Councilmember Gasser thanked Steve Dyott for the information on the drops of water that can be wasted that he provided in the weekly packets.

Councilmember Fluharty questioned where the grease could have come from in the sewer line on Laurel Grove Road. Steve Dyott said he believes the grease was coming from the Laurel Grove Apartments Complex. Mr. Dyott said they experience the same problems with the apartments at Federalsburg Gardens.

Codes/Inspection Department

Steve Watson presented the Mayor and Council with his report in the weekly packets and there were no further questions.

Main Street/Grants Department

Mr. Mayer advised that he had presented report in the Mayor and Council weekly packets. The Mayor and Council had no concerns or issues for the Grants and Main Street Administrator.

Planning and Zoning Department

The Commission did not have a meeting in January due to inclement weather. Their January meeting was rescheduled to Monday, February 9th at 6 p.m.

ACTION ITEMS

Water & Sewer Adjustments

There has been a request from a property owner for a water and sewer adjustment from a leak that carried over from last quarter. The property owner immediately made the necessary repairs once he found the leak. The property owner is requesting another adjustment to their account because the leak spread over two quarters. It was not found and repaired until the end of September. The average usage for this account is 21,000 gallons.

The Mayor and Council agreed to grant a credit in the amount of \$112.88 due to a water leak that was repaired immediately after finding the leak.

VFW REQUEST FOR DONATIONS FOR BASKET AND BAG BINGO

The Federalsburg VFW has requested a donation from the town toward their Basket and Bag Bingo that will be held on Sunday, February 15, 2008 at 2 p.m.

It was the consensus of the Mayor and Council that the town could not make a donation at this time due to budgetary restraints and that it was an unbudgeted item.

ADJOURNMENT

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of five to zero to adjourn at 9:40 p.m.

Submitted by,

**Shirley A. Greene
Clerk/Treasurer**